

AUTO CR - LOG SUMMARY #1074550

TYPE: CR

Incident Finding / Overall Case Finding

| Description of Incident | Finding | Entered By | Entered Date |
|-------------------------|---------|------------|--------------|
| (None Entered) | | | |

Reporting Party Information

| | Role | Name | Star No. | Emp No. | UOA / UOD | Position | Sex | Race | Address | Phone |
|--------------|-----------------------------|-------------------|----------|---------|-----------|--------------------|-----|------|---------|-------|
| CPD Employee | Reporting Party Third Party | PAKULA, RICHARD E | | | 121 / | SERGEANT OF POLICE | M | WHI | | |
| NON-CPD | Reporting Party Witness | | | | | | M | API | CHICAGO | |

Incident Information

| Incident From Date/Time | Address of Incident | Beat | Dist. Of Occurrence | Location Code | Location Description |
|-------------------------|---------------------|------|---------------------|---------------|----------------------|
|-------------------------|---------------------|------|---------------------|---------------|----------------------|

Accused Members

| | Role | Name | Star No. | Emp No. | UOA / UOD | Position | Status | Initial / Intake Allegation |
|--------------|---------|----------------|----------|---------|-----------|----------------|----------|--|
| CPD Employee | Accused | RIVAS, GELACIO | | | 024 / 141 | POLICE OFFICER | OFF Duty | It is reported that the accused officer was present at the above location when a warrant was executed. |

Other Involved Parties

| | Role | Name | Star No. | Emp No. | UOA / UOD | Position | Sex | Race | Address | Phone |
|--|------|------|----------|---------|-----------|----------|-----|------|---------|-------|
|--|------|------|----------|---------|-----------|----------|-----|------|---------|-------|

Involved Party Associations

| Role | Rep. Party Name | Related Person | Relationship |
|-----------------------------|-------------------|----------------|--------------|
| Reporting Party Third Party | PAKULA, RICHARD E | RIVAS, GELACIO | OTHER |

Incident Details

| | | | |
|--------------------------------|-----|------------------------------|-----|
| CR Required? | | Manner Incident Received? | PAX |
| Confidential? | | Biased Language? | N |
| Extraordinary Occurrence? | N | Bias Based Profiling? | N |
| Police Shooting (U)? | N | Alcohol Related? | N |
| Non Disciplinary Intervention: | N | Pursuit Related? | N |
| Initial Assignment: | IAD | Violence in Workplace? | N |
| Notify IAD Immediately? | N | Domestic Violence? | N |
| EEO Complaint No.: | | | |
| Civil Suit No.: | | Civil Suit Settled Date: | |
| Notify Chief Administator? | N | Notify Chief? | |
| Notify Coordinator? | | Notification Does Not Apply? | Y |
| Notification Other? | N | | |
| Notification Comments: | | | |

Incident Category List

| Incident Category | Primary? | Initial? |
|---|----------|----------|
| 09Z - GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) MISCELLANEOUS | Y | Y |
| 09Z - GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) MISCELLANEOUS | Y | N |

Investigator History

Investigator History

| Investigator | Type | Assigned Team | Assigned Date | Scheduled End Date | Investigation End Date | No. of Days |
|------------------|------------|--------------------------------|---------------|--------------------|------------------------|-------------|
| BAIER, JAMES | Primary | CENTRAL INVESTIGATIONS SECTION | 07-JUL-2015 | 05-SEP-2015 | 06-AUG-2015 | 30 |
| WHITE, GLENN | Primary | CENTRAL INVESTIGATIONS SECTION | 10-APR-2015 | 10-MAY-2015 | 07-JUL-2015 | 88 |
| O KELLY, PATRICK | Supervisor | CENTRAL INVESTIGATIONS SECTION | 07-JUL-2015 | 06-AUG-2015 | 06-AUG-2015 | |
| STEHLIK, JOSEPH | Supervisor | CENTRAL INVESTIGATIONS SECTION | 10-APR-2015 | 10-MAY-2015 | 07-JUL-2015 | |

Extension History

| Name | Previous Scheduled End Date | Extended Scheduled End Date | Date Certified Letter Sent | Reason Selected | Explanation | Extension Report Date | Approved By | Approved Date | Approval Comments |
|--------------|-----------------------------|-----------------------------|----------------------------|---|---|-----------------------|------------------|---------------|-------------------|
| BAIER, JAMES | 06-AUG-2015 | 05-SEP-2015 | | ACCUSED UNAVAIL. FOR INTERVIEW (REASON, EXPECTED RETURN DATE) | The Accused RIVAS is out of town and is scheduled to return on 06 AUG 2015. R/Sgt has interview set up for 07 AUG 15 at 1700 hours. | 04-AUG-2015 | O KELLY, PATRICK | 05-AUG-2015 | |

Current Allegations

| Accused Name | Seq. No. | Allegation | Category | Subcategory | Finding |
|----------------|----------|---|---|---------------|-----------|
| RIVAS, GELACIO | 1 | It is alleged by Third Party Complainant, Sgt. Richard PAKULA # 968, Unit 121, that on 23 FEB 2015 at approximately 0600 hours, at [REDACTED] the Accused was present at the above location when DEA, Agent [REDACTED] executed a Federal Search Warrant. | 009 GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) | MISCELLANEOUS | UNFOUNDED |

Situations (Allegation Details)

| Accused Name | Alleg. No. | Situation | Victim/Offender Armed? | Weapon Types | Weapon Other | Weapon Recovered? | Deceased? |
|--------------|------------|-----------|------------------------|--------------|--------------|-------------------|-----------|
|--------------|------------|-----------|------------------------|--------------|--------------|-------------------|-----------|

Status History

| Resulting Status | Status Date/Time | Created By | Position | UOA / UOD | Comments |
|---|-------------------|------------------|----------------------|-----------|-------------------------|
| CLOSED/FINAL | 02-SEP-2015 07:07 | ANDERSON, RORY | POLICE AGENT | 121 / | |
| PENDING IMPLEMENT ACTION | 01-SEP-2015 02:42 | COSTELLO, ROBERT | SERGEANT OF POLICE | 004 / 121 | |
| PENDING ADVOCATE REVIEW | 01-SEP-2015 12:38 | ANDERSON, RORY | POLICE AGENT | 121 / | |
| PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE) | 06-AUG-2015 11:01 | O KELLY, PATRICK | SERGEANT OF POLICE | 121 / | |
| PENDING LIEUTENANT REVIEW | 06-AUG-2015 10:58 | STEHLIK, JOSEPH | SERGEANT OF POLICE | 121 / | |
| PENDING INVESTIGATIVE REVIEW | 06-AUG-2015 10:56 | BAIER, JAMES | SERGEANT OF POLICE | 121 / | |
| PENDING INVESTIGATION | 07-JUL-2015 11:17 | TIERNEY, JOHN | SERGEANT OF POLICE | 121 / | ORIGINAL INV TRANSFERED |
| PENDING INVESTIGATION | 10-APR-2015 09:46 | O KELLY, PATRICK | SERGEANT OF POLICE | 121 / | |
| PENDING ASSIGN INVESTIGATOR | 09-APR-2015 03:44 | CLARK, SUSAN | LIEUTENANT OF POLICE | 121 / | |
| PENDING APPROVE TEAM | 07-APR-2015 08:38 | BOYD, SHARON | POLICE OFFICER | 121 / | |
| PENDING ASSIGN TEAM | 06-APR-2015 11:20 | HITT, MARK | SUPERVISING INV COPA | 113 / | |
| PENDING SUPERVISOR REVIEW | 06-APR-2015 11:06 | TOUSANT, LISA | INTAKE AIDE | 113 / | |
| PRELIMINARY | 06-APR-2015 11:06 | TOUSANT, LISA | INTAKE AIDE | 113 / | |

Attachments

Attachments

| No. | Type | Related Person | No. of Pages | Narrative | Original in File | Entered By | Entered Date/Time | Status | Approve Content | Approve Inclusion |
|-----|-----------------------------|----------------|--------------|---|------------------|-----------------|-------------------|----------|-----------------|-------------------|
| 1 | FACE SHEET | | | | | TOUSANT, LISA | 06-APR-2015 11:06 | | | |
| 1 | INVESTIGATION | | | | | STEHLIK, JOSEPH | 13-APR-2015 11:56 | | | |
| 2 | CONFLICT CERTIFICATION | | | | | BAIER, JAMES | 08-JUL-2015 06:00 | | | |
| 3 | DOCUMENTS - INVESTIGATION | | 1 | NOT REQUIRED | N | BAIER, JAMES | 20-JUL-2015 06:44 | APPROVED | | |
| 4 | DOCUMENTS - INTAKE INCIDENT | | 2 | Supporting document attached. | N | BOYD, SHARON | 07-APR-2015 08:36 | APPROVED | | |
| 5 | DOCUMENTS - INVESTIGATION | | 1 | Progress Report from Sgt. Glenn WHITE | N | BAIER, JAMES | 14-JUL-2015 07:22 | APPROVED | | |
| 6 | DOCUMENTS - INVESTIGATION | | 6 | US Dept. of Justice (DEA) Report of Investigation | N | BAIER, JAMES | 14-JUL-2015 09:54 | APPROVED | | |
| 7 | DOCUMENTS - INVESTIGATION | | 1 | 1st attempt to contact RIVAS | N | BAIER, JAMES | 17-JUL-2015 07:08 | APPROVED | | |
| 8 | DOCUMENTS - INVESTIGATION | | 2 | Contact letter to Duty Disability Officer Gealcio RIVAS with USPS receipt | N | BAIER, JAMES | 17-JUL-2015 07:10 | APPROVED | | |
| 9 | DOCUMENTS - INVESTIGATION | | 1 | PHONE CONTACT WITH RIVAS 22 JUL 15 | N | BAIER, JAMES | 22-JUL-2015 07:48 | APPROVED | | |
| 10 | DOCUMENTS - INVESTIGATION | | 1 | TO/FROM PROGRESS REPORT SHOWING PROOF OF SERVICE OF ALLEGATIONS-RIGHTS-COUNSEL FORMS TO RIVAS | N | BAIER, JAMES | 24-JUL-2015 06:02 | APPROVED | | |
| 11 | DOCUMENTS - INVESTIGATION | | 1 | PRINT OUT OF EMAIL SENT TO RIVAS WITH FORMS ENCLOSED | N | BAIER, JAMES | 24-JUL-2015 06:05 | APPROVED | | |
| 12 | DOCUMENTS - INVESTIGATION | | 1 | CERTIFIED MAIL RECEIPT TO RIVAS CONCERNING ADMIN RIGHTS/ALLEGATIONS/WAIVER | N | BAIER, JAMES | 24-JUL-2015 06:07 | APPROVED | | |
| 13 | DOCUMENTS - INVESTIGATION | | 4 | Letter to RIVAS and admin rights/allegations/waiver of counsel forms | N | BAIER, JAMES | 24-JUL-2015 06:10 | APPROVED | | |
| 14 | DOCUMENTS - INVESTIGATION | | 1 | DEA AGENT [REDACTED] | N | BAIER, JAMES | 03-AUG-2015 06:03 | APPROVED | | |
| 15 | DOCUMENTS - INVESTIGATION | | 1 | 2nd Attempt to contact [REDACTED] | N | BAIER, JAMES | 03-AUG-2015 06:04 | APPROVED | | |
| 16 | DOCUMENTS - INVESTIGATION | | 1 | Email correspondence from [REDACTED] | N | BAIER, JAMES | 04-AUG-2015 05:07 | APPROVED | | |
| | DOCUMENTS - REVIEW INCIDENT | | 1 | To From Report submitted by Department Advocate Sergeant Daniel J. OCONNOR to Administratively Close Complaint Log Investigation 1074550. | N | ANDERSON, RORY | 01-SEP-2015 12:36 | APPROVED | | |
| | DOCUMENTS - INVESTIGATION | | 5 | | N | BAIER, JAMES | 06-AUG-2015 10:53 | APPROVED | | |

Review Incident

| Review Type | Accused/Involved Member Name | Result Type | Reviewed By | Position | Unit | Review Date | Remarks |
|---------------------------|------------------------------|-------------|------------------|--------------------|------|-------------------|---|
| ASSISTANT ADVOCATE REVIEW | | SUBMITTED | ANDERSON, RORY | POLICE AGENT | 121 | 01-SEP-2015 12:38 | Administrative Closure. Closed Final. Close To Records. |
| LIEUTENANT REVIEW | | SUBMITTED | O KELLY, PATRICK | SERGEANT OF POLICE | 196 | 06-AUG-2015 11:01 | |
| SERGEANT REVIEW | | SUBMITTED | STEHLIK, JOSEPH | SERGEANT OF POLICE | 121 | 06-AUG-2015 10:58 | |

Review Accused

| Review Type | Accused/Involved Member Name | Result Type | Reviewed By | Position | Unit | Review Date | Remarks |
|-------------------------------|------------------------------|-------------|------------------|----------------------|------|-------------------|--------------------------------|
| ADVOCATE OFFICE CLOSING STEPS | RIVAS, GELACIO | SUBMITTED | ANDERSON, RORY | POLICE AGENT | 121 | 02-SEP-2015 07:07 | Close Final. Close To Records. |
| ADVOCATE REVIEW | RIVAS, GELACIO | SUBMITTED | COSTELLO, ROBERT | LIEUTENANT OF POLICE | 002 | 01-SEP-2015 02:42 | |

Accused Finding History

| Accused | Allegation | Reviewed By | Reviewed Date/Time | CCR? | Concur? | Finding | Finding Comments |
|----------------|--|--------------|--------------------|------|---------|-----------|------------------|
| RIVAS, GELACIO | 1. It is alleged by Third Party Complainant, Sgt. Richard PAKUL... | BAIER, JAMES | 06-AUG-2015 10:56 | | | UNFOUNDED | |

Accused Penalty History

Accused Penalty History

| Accused | Reviewed By | Reviewed Date/Time | CCR? | Concur? | Penalty | Penalty Comments |
|---------|-------------|--------------------|------|---------|---------|------------------|
|---------|-------------|--------------------|------|---------|---------|------------------|

Findings

| Accused Name | Allegations | Category | Concur? | Findings | Comments |
|----------------|---|---|---------|-----------|----------|
| RIVAS, GELACIO | It is alleged by Third Party Complainant, Sgt. Richard PAKULA # 968, Unit 121, that on 23 FEB 2015 at approximately 0600 hours, at [REDACTED] the Accused was present at the above location when DEA, Agent [REDACTED] executed a Federal Search Warrant. | 009 GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) | | UNFOUNDED | |

FACE SHEET (Notification Date: 06-APR-2015) - LOG #1074550

TYPE: CR

Reporting Party Information

| Role | Name | Star No. | Emp No. | UOA / UOD | Position | Sex | Race | Address | Phone |
|--------------------------------|------|----------|---------|-----------|----------|-----|------|---------|-------|
| NON-CPD Reporting Party Victim | | | | | | M | API | CHICAGO | |

Incident Information

| Incident From Date/Time | Address of Incident | Beat | Dist. Of Occurrence | Location Code | Location Description |
|-------------------------|---------------------|------|---------------------|---------------|----------------------|
|-------------------------|---------------------|------|---------------------|---------------|----------------------|

Accused Members

| Role | Name | Star No. | Emp No. | UOA / UOD | Position | Status | Initial / Intake Allegation |
|--------------|----------------|----------|---------|-----------|----------------|----------|--|
| CPD Employee | RIVAS, GELACIO | | | 024 / 141 | POLICE OFFICER | OFF Duty | It is reported that the accused officer was present at the above location when a warrant was executed. |

Incident Details

| | | | |
|--------------------------------|-----|------------------------------|-----|
| CR Required? | | Manner Incident Received? | PAX |
| Confidential? | | Biased Language? | N |
| Extraordinary Occurrence? | N | Bias Based Profiling? | N |
| Police Shooting (U)? | N | | |
| Motor Vehicle (V)? | | Alcohol Related? | N |
| Non Disciplinary Intervention: | N | Pursuit Related? | N |
| Initial Assignment: | IAD | Violence in Workplace? | N |
| Notify IAD Immediately? | N | Domestic Violence? | N |
| EEO Complaint No.: | | | |
| Civil Suit No.: | | Notify Chief? | |
| Notify Chief Administrator? | N | Notification Does Not Apply? | Y |
| Notify Coordinator? | | | |
| Notification Other? | N | | |

Initial Incident Category List

| Initial Incident Category | Primary? |
|---|----------|
| 09Z - GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) MISCELLANEOUS | Y |
| 09Z - GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) MISCELLANEOUS | Y |

Assignment History

| Assigned To | Assigned Team | Investigator | Assignment Date/Time | Assigned By | Reason |
|-------------|--------------------------------|-------------------------------|----------------------|------------------|--------|
| IAD | CENTRAL INVESTIGATIONS SECTION | O KELLY, PATRICK (SUPERVISOR) | 07-JUL-2015 11:18 | TIERNEY, JOHN | |
| IAD | CENTRAL INVESTIGATIONS SECTION | BAIER, JAMES (PRIMARY INV) | 07-JUL-2015 11:17 | TIERNEY, JOHN | |
| IAD | CENTRAL INVESTIGATIONS SECTION | WHITE, GLENN (PRIMARY INV) | 10-APR-2015 09:46 | O KELLY, PATRICK | |
| IAD | CENTRAL INVESTIGATIONS SECTION | STEHLIK, JOSEPH (SUPERVISOR) | 10-APR-2015 09:46 | O KELLY, PATRICK | |
| IAD | CENTRAL INVESTIGATIONS SECTION | - | 07-APR-2015 20:38 | BOYD, SHARON | |
| IAD | INTERNAL AFFAIRS DIVISION | - | 06-APR-2015 11:06 | TOUSANT, LISA | |

Status History

| Resulting Status | Status Date/Time | Created By | Position | UOA / UOD | Comments |
|---|-------------------|------------------|--------------------|-----------|----------|
| CLOSED/FINAL | 02-SEP-2015 07:07 | ANDERSON, RORY | POLICE AGENT | 121 / | |
| PENDING IMPLEMENT ACTION | 01-SEP-2015 02:42 | COSTELLO, ROBERT | SERGEANT OF POLICE | 004 / 121 | |
| PENDING ADVOCATE REVIEW | 01-SEP-2015 12:38 | ANDERSON, RORY | POLICE AGENT | 121 / | |
| PENDING REVIEW/INCIDENT (I.A.D./DISTRICT USE) | 06-AUG-2015 11:01 | O KELLY, PATRICK | SERGEANT OF POLICE | 121 / | |

Status History

| Resulting Status | Status Date/Time | Created By | Position | UOA / UOD | Comments |
|------------------------------|-------------------|------------------|----------------------|-----------|-------------------------|
| PENDING LIEUTENANT REVIEW | 06-AUG-2015 10:58 | STEHLIK, JOSEPH | SERGEANT OF POLICE | 121 / | |
| PENDING INVESTIGATIVE REVIEW | 06-AUG-2015 10:56 | BAIER, JAMES | SERGEANT OF POLICE | 121 / | |
| PENDING INVESTIGATION | 07-JUL-2015 11:17 | TIERNEY, JOHN | SERGEANT OF POLICE | 121 / | ORIGINAL INV TRANSFERED |
| PENDING INVESTIGATION | 10-APR-2015 09:46 | O KELLY, PATRICK | SERGEANT OF POLICE | 121 / | |
| PENDING ASSIGN INVESTIGATOR | 09-APR-2015 03:44 | CLARK, SUSAN | LIEUTENANT OF POLICE | 121 / | |
| PENDING APPROVE TEAM | 07-APR-2015 08:38 | BOYD, SHARON | POLICE OFFICER | 121 / | |
| PENDING ASSIGN TEAM | 06-APR-2015 11:20 | HITT, MARK | SUPERVISING INV COPA | 113 / | |
| PENDING SUPERVISOR REVIEW | 06-APR-2015 11:06 | TOUSANT, LISA | INTAKE AIDE | 113 / | |
| PRELIMINARY | 06-APR-2015 11:06 | TOUSANT, LISA | INTAKE AIDE | 113 / | |

SWORN AFFIDAVIT FOR COMPLAINT LOG INVESTIGATION
CHICAGO POLICE DEPARTMENT

STATE OF ILLINOIS)
) CC
COUNTY OF COOK)

| | | |
|--------------------------|------|------|
| Location of Incident | Date | Time |
| Summary of Statement(s): | | |
| | | |

I, _____ hereby state as follows:

1. I have read the above summary and/or attached statement(s) in its entirety, reviewed it for accuracy and been given an opportunity to make corrections and additions to the statement(s).
2. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the information set forth in the statement(s) above and/or attached summary is true and correct except as to any matters therein stated to be on information and belief as to such matters, I certify as aforesaid that I verily believe the same to be true.

Print Affiant's Name

Print Witness's Name

Affiant's Signature

Witness's Signature

Date

Date

CPD-44.126 (Rev. 6/09) English

Attachment No. _____

Complaint Log No. _____

BUREAU OF INTERNAL AFFAIRS

6 April 2015

TO: Juan J. Rivera
Chief
Bureau of Internal Affairs

FROM: Sergeant Richard Pakula #968
Bureau of Internal Affairs

SUBJECT: **Initiation Complaint Register #1074550**

Accused: Police Officer Gelacio Rivas
Empl: # [REDACTED]

Complainant: [REDACTED]

Date: 23 February 2015

Summary The accused was present in a home when a warrant was executed
in [REDACTED].

Reporting Sergeant contacted the Independent Police Review
Authority (Tousant) at 1104 hours and obtained Complaint Log #1074550.



Sergeant Richard Pakula # 968
Administration Section
Bureau of Internal Affairs

Attachments:

Bureau of Support Services
Human Resources Division

24 February 2015


To: Juan J. Rivera
Chief
Bureau of Internal Affairs

From: Sergeant Yolanda Talley #1564
Administrative Section
Human Resources Division

Subject: Duty Disability Member Gelacio Rivas Emp # [REDACTED]

R/Sgt is submitting this To-From Subject Report as notification to the Bureau of Internal Affairs that a Department member recently had contact with a federal investigative agency during the execution of a warrant. On 23 February 2015, R/Sgt received a telephone call from DEA Agent [REDACTED] notifying R/Sgt that a warrant was executed in [REDACTED] and Duty Disability Member Gelacio Rivas was present during said warrant. DEA Agent [REDACTED] stated that Gelacio Rivas was in possession of a CPD Duty Disability star and identification card. Agent [REDACTED] also stated that Rivas was not the target of the warrant. According to Department records, Rivas has been on Duty Disability since 04 July 2009.

For any further information concerning this incident DEA Agent [REDACTED] can be reached at [REDACTED].


Sergeant Yolanda Talley #1564
Administrative Section
Human Resources Division

TO: Commanding Officer
Investigations Division
General Investigations Section


FROM: Sergeant Glenn White # 2289
Investigations Division
General Investigations Section

SUBJECT: Case Progress

The R/Sgt had the opportunity to speak with Agent [REDACTED] of the Drug Enforcement Administration (DEA) on 11 May 2015. This conversation was in reference to Log No. 1074550 in which the a Chicago Police Department Duty Disability member, Gelacio RIVAS, was present at a house when the DEA agents executed a search warrant at a residence in [REDACTED].

According to Agent [REDACTED], RIVAS was compliant with the investigation and volunteered his Job status to the agents. Also, according to Agent [REDACTED] the search warrant was the brother -in -law of RIVAS and that the warrant was for the search of documents for money laundering.

Agent [REDACTED] will email to me any documents that could be shared within the next few days.

#2289

Glenn White # 2289
Sergeant
Central Investigations Section

REPORT OF INVESTIGATION

Page 1 of 6

| | | | |
|---|--|--|-----------------------------------|
| 1. Program Code | 2. Cross File Related Files | 3. File No. [REDACTED] | 4. G-DEP Identifier [REDACTED] |
| 5. By: [REDACTED], SA At: [REDACTED] | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | 6. File Title [REDACTED] [REDACTED] | 8. Date Prepared 02-24-2015 |
| 7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By: | | | |
| 9. Other Officers: See last paragraph of details section. | | | |
| 10. Report Re: Execution of SW at [REDACTED] arrest of Edgar FRAGOSO, & Acq. of Exhibits N-101 thru N-111 on 2-23-15. | | | |

SYNOPSIS

On February 23, 2015, members of the DEA Enforcement Group 3 executed a federal search warrant at the residence located at [REDACTED], [REDACTED]. [REDACTED] was arrested at the residence and Exhibits N-101 thru N-111 were collected from the residence.

DETAILS

1. This DEA-6 references all DEA-6s written under this file title and file number.

2. On February 20, 2015, the Honorable [REDACTED], United States Magistrate Judge for the Central District of California, signed and issued order number [REDACTED] which included a search warrant for the residence located at [REDACTED] and arrest warrant for [REDACTED].

3. February 23, 2015, at approximately 6:00 a.m., members of DEA Riverside District Office (RDO) executed the federal search warrant at the residence located at [REDACTED]. Members of the DEA RDO approached the front door of the residence wearing full police gear visibly marked with police identifiers. SA [REDACTED] knocked on the front door of the residence and announced "Police warrant service, open the door" multiple times. After a reasonable amount of time with no response from inside the residence, agents attempted to force open the

| | | |
|-------------------------------|--|------------------------|
| 11. Distribution: Division | 12. Signature (Agent) [REDACTED] SA | 13. Date 03-04-2015 |
| District | 14. Approved (Name and Title) [REDACTED] GS | 15. Date |
| Other | | |

| | | |
|---|--|-----------------------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. [REDACTED] | 2. G-DEP Identifier [REDACTED] |
| | 3. File Title [REDACTED] [REDACTED] | |
| 4. Page 2 of 6 | | |
| 5. Program Code | 6. Date Prepared 02-24-2015 | |

front door without success. Agents then forced entry to a front living room window (room #104) and garage/laundry room (room #105) man door. While agents were attempting to gain access into the residence, [REDACTED] and [REDACTED] walked into the living room. Agents gave [REDACTED] and [REDACTED] verbal commands to open the front door. [REDACTED] opened the front door and [REDACTED] and [REDACTED] were detained without further incident. [REDACTED] was later released at the residence.

4. Once inside the residence SA [REDACTED] continued to announce, "Police warrant service". [REDACTED], and [REDACTED] two minor aged children were contacted inside the residence without incident. [REDACTED] was placed into custody on the federal arrest warrant.

5. At approximately 10:30 a.m., all law enforcement personnel departed the residence on [REDACTED] and the residence was turned over to [REDACTED] (a resident of the home). [REDACTED] was provided a list of items seized and a copy of the warrant. SAs [REDACTED] and [REDACTED] transported [REDACTED] to the EL RODEO night club located at [REDACTED], Pico Rivera, CA so [REDACTED] could open a locked safe located inside the [REDACTED] night club. Upon arrival at the night club, [REDACTED] said he was unable to open the safe.

6. At approximately 11:00 a.m., SA [REDACTED] and TFOs [REDACTED] and [REDACTED] transported [REDACTED] to the Los Angeles federal court. On the same day, [REDACTED] appeared before the Honorable [REDACTED], United States Magistrate Judge for the Central District of California. [REDACTED] was released on \$100,000.00 bail.

7. Other Officers: [REDACTED]

CUSTODY OF EVIDENCE

1. Exhibit N-101 is further described as miscellaneous mail. Exhibit N-101 was located on the bar table in the kitchen, room #100. On February 23, 2015, SAs [REDACTED] transported Exhibit N-101

| | | |
|---|--|-----------------------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. [REDACTED] | 2. G-DEP Identifier [REDACTED] |
| | 3. File Title [REDACTED] [REDACTED] | |
| 4. Page 3 of 6 | | |
| 5. Program Code | 6. Date Prepared 02-24-2015 | |

to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-101 from temporary non-drug storage and processed Exhibit N-101 into evidence. Exhibit N-101 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

2. Exhibit N-102 is further described as a black business check book for La Nueva Ronda No. 2 and ledger. Exhibit N-102 was located on the bar table in the kitchen, room #100. On February 23, 2015, SAs [REDACTED] transported Exhibit N-102 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-102 from temporary non-drug storage and processed Exhibit N-102 into evidence. Exhibit N-102 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

3. Exhibit N-103 is further described as a silver MacBook Pro laptop. Exhibit N-103 was located on the living room couch, room #104. On February 23, 2015, SAs [REDACTED] transported Exhibit N-103 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-103 from temporary non-drug storage and processed Exhibit N-103 into evidence. Exhibit N-103 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

4. Exhibit N-104 is further described as a silver Mac Iphone model A1549. Exhibit N-104 was located on the bed in the master bedroom, room #200. On February 23, 2015, SAs [REDACTED] transferred custody of Exhibit N-104 to SA [REDACTED]. On the same day, SA [REDACTED] transferred custody of Exhibit N-104 to DEA Telecommunications Specialist [REDACTED] who extracted the digital content of Exhibit N-104 and placed a copy of the digital content on a DVD creating Exhibit N-104A. TS [REDACTED] subsequently transferred custody of Exhibit N-104 back to SA [REDACTED]. SAs [REDACTED] secured Exhibit N-104 in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] and [REDACTED] removed Exhibit N-104 from temporary non-drug storage and processed Exhibit N-104 into evidence. Exhibit N-104 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

| | | |
|---|--|-----------------------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. [REDACTED] | 2. G-DEP Identifier [REDACTED] |
| | 3. File Title [REDACTED] [REDACTED] | |
| 4. Page 4 of 6 | | |
| 5. Program Code | 6. Date Prepared 02-24-2015 | |

5. Exhibit N-104A is further described as a DVD containing the digital content from Exhibit N-104. On February 23, 2015, TS [REDACTED] extracted the digital content of Exhibit N-104 and placed a copy of the content on a DVD creating Exhibit N-104A. TS [REDACTED] subsequently transferred custody of Exhibit N-104A to SA [REDACTED]. SAs [REDACTED] placed Exhibit N-104A in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-104A from temporary non-drug storage and processed Exhibit N-104A into evidence. Exhibit N-104A was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

6. Exhibit N-105 is further described as a key ring with miscellaneous keys. Exhibit N-105 was located inside a pair of pants in the master bedroom closet, room #200 closet #A. On February 23, 2015, SAs [REDACTED] transported Exhibit N-105 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-105 from temporary non-drug storage and processed Exhibit N-105 into evidence. Exhibit N-105 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

7. Exhibit N-106 is further described as a business license application document. Exhibit N-106 was located on the shelf of the closet in the master bedroom, room #200 closet #A. On February 23, 2015, SAs [REDACTED] transported Exhibit N-106 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-106 from temporary non-drug storage and processed Exhibit N-106 into evidence. Exhibit N-106 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

8. Exhibit N-107 is further described as a Wells Fargo check book. Exhibit N-107 was located on the shelf in the master bedroom closet, room #200 closet #A. On February 23, 2015, SAs [REDACTED] and [REDACTED] transported Exhibit N-107 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] and [REDACTED] removed Exhibit N-107 from temporary non-drug storage and

| | | |
|---|--|-----------------------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. [REDACTED] | 2. G-DEP Identifier [REDACTED] |
| | 3. File Title [REDACTED] [REDACTED] | |
| 4. Page 5 of 6 | | |
| 5. Program Code | 6. Date Prepared 02-24-2015 | |

processed Exhibit N-107 into evidence. Exhibit N-107 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

9. Exhibit N-108 is further described as a black El Rodeo business check book. Exhibit N-108 was located in the closet of the master bedroom, room #200 closet #A. On February 23, 2015, SAs [REDACTED] transported Exhibit N-108 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] and [REDACTED] removed Exhibit N-108 from temporary non-drug storage and processed Exhibit N-108 into evidence. Exhibit N-108 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

10. Exhibit N-109 is further described as a El Rodeo check. Exhibit N-109 was located in the laundry room, room #105. On February 23, 2015, SAs [REDACTED] transported Exhibit N-109 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-109 from temporary non-drug storage and processed Exhibit N-109 into evidence. Exhibit N-109 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

11. Exhibit N-110 is further described as a Blackberry Bold cellular phone and charger. Exhibit N-110 was located on the floor near the bed in the master bedroom, room #200. On February 23, 2015, SAs [REDACTED] transferred custody of Exhibit N-110 to SA [REDACTED]. On the same day, SA [REDACTED] transferred custody of Exhibit N-110 to DEA Telecommunications Specialist [REDACTED] who extracted the digital content of Exhibit N-110 and placed a copy of the digital content on a DVD creating Exhibit N-110A. TS [REDACTED] subsequently transferred custody of Exhibit N-110 back to SA [REDACTED]. SAs [REDACTED] secured Exhibit N-110 in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-110 from temporary non-drug storage and processed Exhibit N-110 into evidence. Exhibit N-110 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

12. Exhibit N-110A is further described as a DVD containing the digital content of Exhibit N-110. On February 23, 2015, TS [REDACTED] extracted the

| | | |
|---|--|-----------------------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. [REDACTED] | 2. G-DEP Identifier [REDACTED] |
| | 3. File Title [REDACTED] [REDACTED] | |
| 4. Page 6 of 6 | | |
| 5. Program Code | 6. Date Prepared 02-24-2015 | |

digital content of Exhibit N-110 and placed a copy of the content on a DVD creating Exhibit N-110A. TS [REDACTED] subsequently transferred custody of Exhibit N-110A to SA [REDACTED]. SAs [REDACTED] placed Exhibit N-110A in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-110A from temporary non-drug storage and processed Exhibit N-110A into evidence. Exhibit N-110A was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

13. Exhibit N-111 is further described as miscellaneous documents. Exhibit N-111 was located in a file cabinet in the laundry room, room #105. On February 23, 2015, SAs [REDACTED] transported Exhibit N-111 to the RDO and secured it in the temporary non-drug evidence storage. On March 3, 2015, SAs [REDACTED] removed Exhibit N-111 from temporary non-drug storage and processed Exhibit N-111 into evidence. Exhibit N-111 was subsequently turned over to the Non-drug Evidence custodian for safekeeping.

INDEXING

1. [REDACTED] [REDACTED]. On February 23, 2015, members of the DEA Enforcement Group 3 executed a federal search warrant at [REDACTED] residence located at [REDACTED]. [REDACTED] was arrested at the residence on a federal arrest warrant.

TO: Juan J. RIVERA
Chief
Bureau of Internal Affairs

FROM: Sergeant James BAIER #879
Bureau of Internal Affairs

SUBJECT: Attempt to Contact Duty Disability Officer Gelacio RIVAS, EMP # [REDACTED]

On 17 JUL 2015 at 1910 hours, the undersigned attempted to contact the Accused CPD Duty Disability Employee, Gelacio RIVAS, by sending a certified contact letter to Gelacio RIVAS, in an effort to notify the Accused and interview him regarding the pending allegations. The undersigned sent the certified contact letter via the USPS to the address, [REDACTED] asking RIVAS for his cooperation in this investigation. The address was the last known address RIVAS had on record according to Chicago Police Department Human Resources.

James M. BAIER
Sergeant
Bureau of Internal Affairs



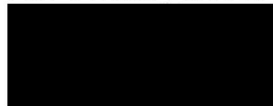
Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Garry F. McCarthy
Superintendent of Police

17 JUL 2015

Mr. Gelacio RIVAS



Mr. Gelacio RIVAS,

This letter is to inform you, Gelacio RIVAS, that you are the subject of a Log Investigation under number 1074550. Although you have been on Duty Disability from the Chicago Police Department since 04 July 2009, as an accused in this investigation we are notifying you of pending allegations.

Although you are no longer an active Member of the Chicago Police Department, you are bound by Department Orders, Rules and Regulations and your compliance is required. Please contact me so that an interview date and time can be set up where you will be given an opportunity to come into the Bureau of Internal Affairs and give your response to the pending allegations.

You can contact me between the hours of 4pm-12am, Monday thru Friday at 312/745-6310.

Sergeant James M. BAIER #879
Bureau of Internal Affairs
Area North Investigation Section
3510 S. Michigan Ave
Chicago, IL 60653
312/745-6310

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD A DOTTED LINE

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BAIER 879 UNIT 121

| | |
|---|----|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

Postmark
Here

Sent To **MR. GELACIO RIVAS**
Street, Apt. No., or PO Box No. [REDACTED]
City, State, ZIP+4[®] [REDACTED]
PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. GELACIO RIVAS
4027 W. 25TH PL.
CHICAGO, IL 60623

2. Article Number
(Transfer from service label)

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail[®] ☐ Priority Mail Express[™]
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

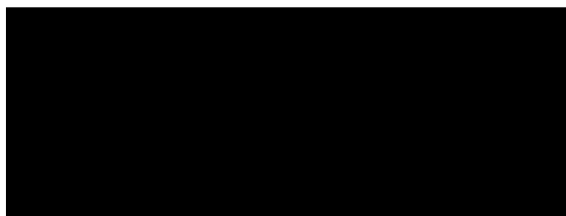


BAIER 879
City of Chicago
Department of Police
3510 South Michigan Avenue
Chicago, Illinois 60653

UNIT 121

CERTIFIED MAIL
168
NO. _____
Return Receipt Requested

MR. GELACIO RIVAS



TO: Juan J. RIVERA
Chief
Bureau of Internal Affairs

FROM: Sergeant James BAIER #879
Bureau of Internal Affairs

SUBJECT: Contact with Duty Disability Officer Gelacio RIVAS, EMP # [REDACTED]

On 22 JUL 2015 at 1810 hours, the undersigned spoke via telephone with the Accused CPD Duty Disability Employee, Gelacio RIVAS, Employee # [REDACTED]. The undersigned explained that he was the subject of a Log number and that the undersigned needed him to come into the BIA offices to be served with his allegations and be interviewed. RIVAS informed the undersigned that he was out of town until 06 AUG 2015. The undersigned and RIVAS mutually agreed to meet on 07 AUG 2015 at 1700 hours in the BIA offices to complete the interview and related paperwork. RIVAS provided the undersigned with a current contact phone number, [REDACTED] and related that he was going to cooperate with the investigation.

James M. BAIER
Sergeant
Bureau of Internal Affairs

TO: Juan J. RIVERA
Chief
Bureau of Internal Affairs

FROM: Sergeant James BAIER #879
Bureau of Internal Affairs

SUBJECT: Service of Administrative Rights/ Notice Of Allegations/ Waiver of
Counsel forms to Duty Disability Officer Gelacio RIVAS, EMP # [REDACTED]

On 24 JUL 2015 at 1740 hours, the undersigned spoke via telephone with the Accused CPD Duty Disability Employee, Gelacio RIVAS, Employee # [REDACTED]. The undersigned explained that he was sending paper copies of the Administrative Rights, Notice of Allegations and Waiver of Counsel forms to RIVAS prior to the interview on 07 AUG 2015. The undersigned explained that he needed RIVAS to sign the forms and bring them with him to the interview. The undersigned stated to RIVAS that he would send the forms through the mail and also email the forms to [REDACTED] which was at RIVAS' request.

James M. BAIER
Sergeant
Bureau of Internal Affairs

Microsoft Office Outlook Web Access

Type here to search This Folder Address Book Options Log Off

Mail Calendar Contacts Deleted Items (1) Drafts Inbox Junk E-Mail Sent Items

Click to view all folders Manage Folders...

Reply Reply to All Forward Move Delete Close

IAD FORMS TO BE SIGNED AND BROUGHT TO INTERVIEW

Baier, James M.

Sent: Friday, July 24, 2015 5:54 PM
To: [REDACTED]
Attachments: [RIVAS forms-admin pro-not ~1.pdf \(98 KB\)](#) [Open as Web Page]

Mr. RIVAS,

I have attached the necessary forms that you need to review and sign prior to the interview. Please bring a signed copy to the interview on 07 AUG 2015 at 1700 hours. Thank you very much. Have a great weekend !

Sergeant James M. Baier #879
Bureau of Internal Affairs-Area North Investigations Section
(312) 745-6310/ 0610 PAX

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| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

Postmark
Here

Sent To
MR. GELACIO RIVAS

PS Form 3800, August 2005

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. GELACIO RIVAS

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail[®]

☐ Priority Mail Express[™]

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811 July 2012

Domestic Return Receipt



BATEX 879

City of Chicago

Department of Police

3510 South Michigan Avenue

Chicago, Illinois 60653

UNIT 121

CERTIFIED MAIL

168

NO. _____

Return Receipt Requested

MR. GELACIO RIVAS

CPD 0335419



Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Garry F. McCarthy
Superintendent of Police

24 JUL 2015

Mr. Gelacio RIVAS



Mr. Gelacio RIVAS,

Enclosed are your Administrative Proceedings Rights, Notification of Charges/Allegations and Waiver of Counsel/Request to Secure Counsel forms. Please read these forms, sign them and bring them with you to your interview on 07 AUG 2015 at 1700 hours at 3510 S. Michigan Ave (Bureau of Internal Affairs-Fifth Floor). Thank you for your cooperation in this matter.

You can contact me between the hours of 4pm-12am, Monday thru Friday at 312/745-6310.

Sergeant James M. BAIER #879
Bureau of Internal Affairs
Area North Investigation Section
3510 S. Michigan Ave
Chicago, IL 60653
312/745-6310

ADMINISTRATIVE PROCEEDINGS RIGHTS**(Statutory)**

CHICAGO POLICE DEPARTMENT

GIVEN TO ACCUSED

DATE

TIME

24 JUL 15 1700

| | | | | |
|-----------------|------|----------|--------------|--------------------|
| NAME OF ACCUSED | RANK | STAR NO. | EMPLOYEE NO. | UNIT OF ASSIGNMENT |
| Gelacio RIVAS | PO | | | DUTY DISABILITY |

The law provides that you are to be advised of the following:

1. Any admission or statement made by you in the course of this hearing, interrogation or examination may be used as the basis for your suspension or as the basis for charges seeking your removal or discharge or suspension in excess of 30 days.
2. You have the right to counsel of your choosing to be present with you to advise you at this hearing, interrogation or examination and you may consult with counsel as you desire.
3. You have a right to be given a reasonable time to obtain counsel of your own choosing.
4. You have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.
5. If you refuse to answer questions put to you, you will be ordered by a superior officer to answer the questions.
6. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and will serve as a basis for which your discharge will be sought.
7. You are further advised that by law any admission or statement made by you during the course of this hearing, interrogation or examination and the fruits thereof cannot be used against you in a subsequent criminal proceeding.

NOTE: Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral. Making a false report, may result in separation from the Chicago Police Department.

I hereby acknowledge that I was informed of the above rights and Rule 14 of the Chicago Police Department's Rules and Regulations prior to interrogation.

Signature _____

WITNESSES

**DISTRIBUTION:
COMPLAINT LOG INVESTIGATION**

Original to investigator's file.
Copy to accused member.

| |
|----------------------------|
| COMPLAINT LOG NO. TYPE -CR |
| 1074550 |
| ATTACHMENT NO. |

NOTIFICATION OF CHARGES/ALLEGATIONS

CHICAGO POLICE DEPARTMENT

GIVEN TO ACCUSED

DATE

TIME

24 JUL 15 1700

| NAME OF ACCUSED | RANK | STAR NO. | EMPLOYEE NO. | UNIT OF ASSIGNMENT |
|-----------------|------|----------|--------------|--------------------|
| Gelacio RIVAS | PO | | | DUTY DISABILITY |

The law provides that if you are to be charged with a criminal offense or if the Department seeks separation, you are to be advised in writing of the specific illegal or improper acts alleged against or attributed to you.

Furthermore, Department policy provides that you have a right to be advised in writing of the names of complainants and allegations against you prior to any questioning of you concerning the allegation regardless of the nature of the allegation and even if the allegation is such that it will not result in the filing of criminal charges or the filing of separation charges.

Accordingly, you are advised that the following allegations have been made against you:

COMPLAINANT(S)

1. SERGEANT RICHARD PAKULA # 968, Employee # [REDACTED] Unit 121

2. _____

3. _____

4. _____

-It is alleged by Third Pary Complainant, Sgt. Richard PAKULA # 968, Employee # [REDACTED] Unit 121 that on 23 FEB 2015 at approximately 0600 hours, at [REDACTED] the Accused was present at the above location when DEA, Agent [REDACTED] executed a Federal Search Warrant.

I hereby acknowledge receipt in writing of the charges or allegations against me.

Signature _____

WITNESSES

DISTRIBUTION:**COMPLAINT LOG INVESTIGATION**

Original to investigator's file.

Copy to accused member.

COMPLAINT LOG NO. TYPE - CR

1074550

ATTACHMENT NO.

WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL
CHICAGO POLICE DEPARTMENT

| | | | |
|-----------------|------|------------------|--------------------|
| NAME OF ACCUSED | RANK | STAR NO. | UNIT OF ASSIGNMENT |
| Gelacio RIVAS | PO | EMP # [REDACTED] | DUTY DISABILITY |

☐ **WAIVER OF COUNSEL**

I, the undersigned, hereby acknowledge that I have received and read the charges/allegations against me and I knowingly and voluntarily wish to proceed with the hearing, examination or interrogation without having counsel of my own choosing present to advise me during this hearing, examination or interrogation.

Date-Time _____ Signature _____

☐ **REQUEST TO SECURE LEGAL COUNSEL**

I, the undersigned, having been advised of my right to counsel of my own choosing at all hearings, examinations and interrogations in connection with the charges/allegations against me which have been given to me in writing and receipt of which is hereby acknowledged, elect to secure the services of counsel and agree to proceed with said hearing, examination or interrogation at

_____ hours, on _____, 20____, in Room _____

_____ Chicago, Illinois, at which time said hearing, examination or interrogation shall be commenced. By placing my signature upon this statement, I affirm my wish to secure said counsel and agree to comply with Department hearing, examination or interrogation scheduled on the date aforesaid.

Date-Time _____ Signature _____

WITNESSES

DISTRIBUTION

COMPLAINT REGISTER INVESTIGATION

Original to Investigator's file
Duplicate to affected member

COMPLAINT REGISTER NO 1074550

ATTACHMENT NO. _____

CPD-44.106 (Rev. 6/06)

CPD 0335423

TO: Juan J. RIVERA
Chief
Bureau of Internal Affairs

FROM: Sergeant James BAIER #879
Bureau of Internal Affairs

SUBJECT: Attempt to Contact DEA Agent [REDACTED]

On 30 JUL 2015 at 1930 hours, the undersigned attempted to contact DEA Agent [REDACTED] regarding his interaction and observations with the Accused RIVAS on 23 FEB 2015 in [REDACTED]. The undersigned was reassigned this case from Sergeant Glenn WHITE and while Sergeant WHITE has already made contact with [REDACTED], the undersigned wants to confirm information already provided by [REDACTED]. The undersigned was greeted by a voicemail system at which time the undersigned left his contact information and the reason for the call.

James M. BAIER
Sergeant
Bureau of Internal Affairs

TO: Juan J. RIVERA
Chief
Bureau of Internal Affairs

FROM: Sergeant James BAIER #879
Bureau of Internal Affairs

SUBJECT: Attempt to Contact DEA Agent [REDACTED]

On 03 AUG 2015 at 1702 hours, the undersigned emailed DEA Agent [REDACTED] and respectfully requested that he contact him regarding this investigation. The undersigned attempted to phone [REDACTED] on 30 JUL 2015 with negative results. The undersigned sent his request to the email address, [REDACTED]

James M. BAIER
Sergeant
Bureau of Internal Affairs

Microsoft Office Outlook Web Access

Type here to search

This Folder [v] [Address Book] [Options] [Log Off]

Mail

Calendar

Contacts

Deleted Items

Drafts

Inbox

Junk E-Mail

Sent Items

Click to view all folders

Manage Folders...

Reply Reply to All Forward Move Delete Close

[REDACTED]

Sent: Tuesday, August 04, 2015 11:37 AM

To: Baier, James M.

Hi Jim,

Sorry for the delayed response. Unfortunately I don't have any additional info regarding your officer. The previous information that I gave Sgt. White was accurate and has not changed.

[REDACTED]

-----Original Message-----

From: Baier, James M. [mailto:James.Baier@chicagopolice.org]

Sent: Monday, August 03, 2015 3:02 PM

To: [REDACTED]

Subject: Search Warrant on 23 FEB 2015 at [REDACTED]

Importance: High

Hello. My name is Jim BAIER. I am a Sergeant in Internal Affairs for the Chicago Police Department. I have been reassigned a case that Sgt. Glenn WHITE was investigating. I have the previous correspondence that you had back in May 2015. I was wondering if you could give me a call at 312 745 6319 to discuss this case a little further. If you are unable to or have some other tasks at the moment I completely understand. I am just looking for any additional information you might have or just a statement stating that your previous information that was given to Sgt. WHITE has not changed and that you stand by your original statements to Sgt. WHITE.

Thank you for your time and consideration.

Respectfully,

Sergeant James M. Baier #879
Bureau of Internal Affairs-Area North Investigations Section
(312) 745-6310/ 0610 PAX

Connected to Microsoft Exchange

1/1

**Investigations Division
Area North Investigations Section**

**05 Aug 2015
Log# 1074550**

TO: Lieutenant Frederick MELEAN., Star 666
Commanding Officer
Area North Investigations Section

FROM: Sergeant James M. BAIER, Star 879
Investigations Division
Area North Investigations Section


SUBJECT: Completion of Complaint Log Number 1074550

The following investigation is complete and submitted for approval.



Sergeant James M. BAIER #879
Investigations Division
Area North Investigations Section

Approved:

06 AUG 15

Case Management Supervisor
Investigations Division
Area North Investigations Section

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1074550TYPE
CRDATE OF REPORT
05-AUG-2015

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, **NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **Five (5) DAYS SUSPENSION**.

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

| FROM - INVESTIGATOR'S NAME | RANK | STAR NO | EMPLOYEE NO | UNIT ASSIGNED | UNIT DETAILED |
|----------------------------|------|---------|-------------|---------------|---------------|
| BAIER, JAMES | 9171 | 879 | | 121 | |

REFERENCE NOS. (LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

| | | | | |
|-------------------|--|-------------|-------------------|------------|
| INCIDENT ADDRESS: | | DATE / TIME | 23-FEB-2015 06:02 | BEAT: 4100 |
|-------------------|--|-------------|-------------------|------------|

ACCUSED

| NAME | RANK | STAR NO | EMP NO | UNIT ASSIGNED | UNIT DETAILED | SEX/RACE | DOB | APPOINTED DATE | ON DUTY ? | SWORN ? |
|----------------|------|---------|--------|---------------|---------------|----------|-----|----------------|-----------|---------|
| RIVAS, GELACIO | 9161 | | | 024 | 141 | M / S | | 29-NOV-2004 | NO | YES |

REPORTING PARTY

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|-----------------|-----------------------------------|------------|-----------|------------|-----------|
| | | | | M / API | / |
| PAKULA, RICHARD | RANK: 9171, STAR NO: 968, EMP NO: | | | M / WHI | 53 |

VICTIMS

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------|------------|-----------|------------|-----------|
|------|----------|------------|-----------|------------|-----------|

WITNESSES

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------|------------|-----------|------------|-----------|
| | | | | M / API | / |

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

SEE ATTACHED REPORT

SUMMARY

SEE ATTACHED REPORT

ATTACHMENTS

| INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER | INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER: | PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS: | TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE: |
|--|--|---|---|
| None | 4, 5, 6 | None | 16 |

FINDINGS - RECOMMENDATIONS

SEE ATTACHED REPORT

DATE INITIATED
(Date incident was received for investigation)

10-APR-2015

DATE COMPLETED (Date of this report)

05-AUG-2015

ELAPSED TIME
(Total time expressed in days)

117

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

[Signature] #879

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

SUMMARY REPORT DIGEST

ALLEGATION:

NOTE: Complaint Log "Type" is classified CR- Sworn Affidavit not required

#1- It is alleged by the Third Party Complainant, Sergeant Richard PAKULA # 968 of the Bureau of Internal Affairs, that on 23 FEB 2015 at approximately 0600 Hours the Accused, Duty Disability Member Gelacio RIVAS, Employee # [REDACTED] was present at the location of [REDACTED] when the DEA executed a Federal search warrant.

SUMMARY:

This investigation was assigned to Sergeant Glenn WHITE # 2289 on 10 APR 2015 and then reassigned to the undersigned on 07 JUL 2015 after Sergeant WHITE transferred to the Special Activities Section. The case file was found to contain the Face Sheet, an Initiation Report from Sergeant Richard PAKULA # 968 of the Bureau of Internal Affairs and a To/From Report from Sergeant Yolanda TALLEY # 1564 of the Human Resources Division, documenting her notification from DEA Special Agent [REDACTED] that a Duty Disability member of the Department, Gelacio RIVAS, Employee # [REDACTED] was present during the execution of a Federal Search Warrant on 23 FEB 2015 at [REDACTED]. Also included in the case file was a To/From Report documenting Sergeant Glenn WHITE'S progress on the investigation. [ATT # 1, 4, 5]

On 14 JUL 2015, the undersigned obtained a copy of the U.S. Department of Justice "REPORT OF INVESTIGATION" drafted by DEA Special Agent [REDACTED]. In this report, the facts are summarized in that on 23 FEB 2015 at approximately 0600 hours the DEA executed a search warrant for the residence of [REDACTED] and an arrest warrant for [REDACTED]. The search of the residence was conducted and [REDACTED] was arrested without incident. Gelacio RIVAS, who is a Duty Disability member of the Department was present and on scene during the search warrant. RIVAS was detained at the scene but later released. According to the correspondence that Sergeant Glenn WHITE and Special Agent [REDACTED] had, Gelacio RIVAS is the brother-in-law of [REDACTED]. [REDACTED] related that RIVAS just happened to be on the scene when the warrant was executed. [REDACTED] related that RIVAS was not the target of the warrant and he had no part in their investigation. [REDACTED] further added that RIVAS was compliant with the investigation and volunteered his identity as a member of the Chicago Police Department, showing [REDACTED] his Duty Disability ID card and Star. [ATT # 4, 5, 6]

On 04 AUG 2015 the undersigned received an email from DEA Special Agent [REDACTED] in response from the undersigned's request for any additional information regarding RIVAS. [REDACTED] related that he did not have anything to add concerning RIVAS and that all the information he provided to Sergeant WHITE was accurate and had not changed. [ATT # 14, 15, 16]

After reviewing all the facts of this case, including the documents and statements provided by DEA Special Agent [REDACTED], the undersigned finds that there is no factual basis for the allegation against RIVAS. RIVAS was not the intended target of the search warrant and voluntarily offered his job status and identification to the DEA. RIVAS was compliant with the DEA's investigation and was not cited or charged with any offense. RIVAS was released on the scene of the warrant. RIVAS did not violate any of the Department's Rules and Regulations. Therefore, based on these facts the undersigned recommends to **UNFOUNDED** the allegation against RIVAS.

FINDINGS:

Accused: Duty Disability Police Officer Gelacio RIVAS, Employee # [REDACTED]

Allegation #1- UNFOUNDED

RECOMMENDATION:

[REDACTED]

BUREAU OF INTERNAL AFFAIRS
Adjudication Section

01-SEP-15
Log No: 1074550

TO: Chief Juan Rivera
Bureau of Internal Affairs

FROM: Sgt. Daniel O'Connor #1251
Department Advocate
Bureau of Internal Affairs

SUBJECT: Recommendation for [REDACTED] of Log #1074550

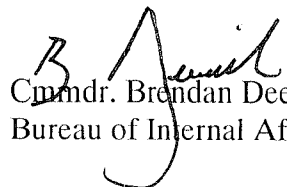
The undersigned recommends the listed Log Investigation to be administratively [REDACTED]. The investigation revealed that the accused RIVAS, Geracio Employee # [REDACTED] was not an active member of the Chicago Police Department at the time of the allegation. Mr. RIVAS was granted disability and left the Department on 04-JUL-09. At the time of the alleged violation (23-FEB-15) the Accused was properly on a disability leave from the Department. Individuals who have received disability status from the Policeman's Annuity & Benefit Fund (PABF) are subject to the guidelines and regulations set forth by the Fund separate from Department rules. The PABF was notified of this allegation.

As such, the undersigned recommends that this investigation be administratively [REDACTED] as Mr. RIVAS has not been an active member of the Department for over seven (7) years.



Sgt. Daniel O'Connor #1251
Department Advocate
Bureau of Internal Affairs

APPROVED:



Cmdr. Brendan Deenihan
Bureau of Internal Affairs